

HOUSE No. 1086

By Mrs. Canavan of Brockton, petition of Christine E. Canavan and others relative to improving the educator license process. Education.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Five.

AN ACT IMPROVING THE EDUCATOR LICENSE PROCESS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 71 of the General Laws, as appearing in the 2002 Offi-
- 2 cial Edition, is amended by striking Section 38G and inserting in
- 3 place thereof the following:—
- 4 Section 38G. As used in this section the following words shall
- 5 have the following meanings:
- 6 “Board”, the board of education established by chapter fifteen.
- 7 “Conditional educator”, a person who holds a conditional edu-
- 8 cator license.
- 9 “Conditional educator license”, a license to teach issued to a
- 10 person who has successfully met the subject matter knowledge
- 11 preparation and eligibility requirements as established by the

12 board. The conditional educator's license shall be valid for five
13 years of employment as an educator in the schools of the com-
14 monwealth and is non-renewable.

15 "Initial educator", a person who holds an initial educator
16 license.

17 "Initial educator license", a license to teach issued to a person
18 who has successfully met the subject matter knowledge, pedagog-
19 ical/professional knowledge and skills, and clinical preparation
20 and eligibility requirements as established by the board; and
21 completed (1) a college program, graduate or undergraduate,
22 approved by the board of education for the preparation of
23 teachers; or (2) a college preparation program included in the
24 National Association of State Directors of Teacher Education and
25 Certification (NASDTEC); or (3) an out of state teacher education
26 program approved by the National Council for the Accreditation
27 of Teacher Education (NCATE); or (4) other program approved by
28 the board which meets equivalent standards. Said license shall be
29 valid for five years of employment as an educator in the schools
30 of the commonwealth and may be extended for an additional five
31 years of employment in accordance with regulations adopted by
32 the board.

33 "Professional educator", a person who holds a professional edu-
34 cator license.

35 "Professional educator license", a license to teach issued to a
36 person who has successfully met the preparation and eligibility
37 requirements as established by the Board. The professional edu-
38 cator license shall be valid for renewable terms of five years.

39 "Reciprocity of licensed or certified educators", the process and
40 requirements established by the commissioner for candidates to
41 obtain an educator license who have completed (1) a state-
42 approved educator preparation program in a state with which
43 Massachusetts has signed the National Association of State Direc-
44 tors of Teacher Education and Certification (NASDTEC) Inter-
45 state Contract, or (2) out-of-state programs approved by the
46 National Council for the Accreditation of Teacher Education
47 (NCATE), or (3) other programs approved by the board; or (4)
48 who hold a valid license in a state with which Massachusetts has
49 signed the NASDTEC Interstate Contract. Such candidates shall
50 have met all requirements and be issued an initial or professional

51 license, whichever is more closely equivalent to the stage/type
52 license held by the candidate in another state.

53 “Regionally licensed or certified educator”, an applicant for an
54 educator’s license in Massachusetts who has been granted a
55 regional license or certificate by another state jurisdiction under
56 terms of a contract entered into pursuant to chapter seven hundred
57 and forty-eight of the acts of nineteen hundred and sixty-eight, the
58 Interstate Agreement on Certification of Educational Personnel.
59 Such license or certificate shall be equivalent to the initial edu-
60 cator license.

61 “Temporary educator”, a person who holds a temporary edu-
62 cator license.

63 “Temporary educator license” a license to teach which the com-
64 missioner of education may, at his discretion, issue to a person
65 who holds a valid teaching license or certificate equivalent to a
66 conditional educator license from another state and who has been
67 employed under the license or certificate for a minimum of three
68 years but has not satisfied the licensure testing requirements con-
69 tained in this section. The temporary license shall be valid for one
70 year and is nonrenewable. Service under a temporary license shall
71 be counted as service in acquiring professional teacher status,
72 contingent upon the teacher passing the applicable licensure tests.

73 “Valid educator license”, any conditional, initial, professional,
74 or temporary license, which has not exceeded the period of
75 validity established herein.

76 “Year”, a twelve month period of time.

77 “Year of employment”, employment under a valid license for a
78 period of time equivalent to a school year; periods of full-time
79 employment for portions of a school year shall be aggregated, and
80 periods of part-time employment shall be prorated in determining
81 a year of employment.

82 The board shall define the knowledge of subject matter and
83 demonstration of competencies commensurate with attainment
84 and renewal of conditional educator, initial educator, temporary
85 and professional educator licenses.

86 The commissioner of education shall have authority to grant,
87 upon application, conditional educator, initial educator, temporary
88 and professional educator licenses to persons who have satisfied
89 the requirements for such licenses as established by the board. It

90 is the obligation of the commissioner to issue said educator
91 licenses in a timely manner. The commissioner shall take appro-
92 priate action on applications within 30 days of receipt by either
93 issuing the license or notifying the candidate that the application
94 is denied and stating the grounds therefore. If a license is denied
95 due to unfulfilled requirements or incomplete documentation, the
96 commissioner shall then issue the license within 30 days of
97 receiving documentation of fulfilled requirements. In the event
98 that the commissioner does not take action within a thirty day
99 period, the application fee shall be waived and no candidate's
100 employment rights shall be adversely affected. Whenever the
101 Commissioner issues, extends or renews an educator license, he
102 shall also fully inform the educator in writing of the requirements
103 to advance or maintain said license. Any amendments to licensing
104 requirements that the Board may promulgate shall not apply to
105 those so-informed educators for the duration of the licensing
106 process or renewal cycle of the license issued.

107 To be eligible for a license as a conditional educator, the candi-
108 date shall (1) hold a bachelor's degree in arts or sciences from an
109 accredited college or university with a major course in the arts or
110 sciences appropriate to the instructional field; and (2) achieve a
111 level of performance determined by the board on the PRAXIS
112 published by the Educational Testing Service, and (3) be of sound
113 moral character. Candidates who complete the requirements in
114 this paragraph shall be issued conditional educator licenses which
115 will permit them to seek employment in teaching positions
116 requiring instructional licenses in districts which have an
117 approved conditional educator support and supervision program.

118 The commissioner shall establish standards for the support and
119 supervision of conditional educators. During the period of
120 employment, a person holding a conditional educator license pur-
121 suant to this section shall be under the direct supervision of the
122 principal or other appropriate supervisor who shall regularly
123 observe and evaluate the performance of assigned duties by such
124 holder of a conditional teaching. Such evaluation shall be rele-
125 vant to nationally recognized professional standards for personnel
126 evaluation.

127 Each public school district seeking to hire a conditional edu-
128 cator must submit a plan to the department of education which

129 details how the district will supervise and support such condi-
130 tional educators. Failure of a district to submit or the department
131 to approve shall not adversely impact the employment rights of
132 the educator. No district shall be authorized to employ a condi-
133 tional educator unless it has submitted said plan to and received
134 the approval of the commissioner. Each plan shall describe the
135 key elements of the proposed conditional educator program in
136 accordance with guidelines established and published by the
137 department. District conditional educator support and supervision
138 program plans shall include: A district induction program with a
139 trained mentor for the first year of employment; continued men-
140 toring with a trained mentor for the second year of employment; a
141 professional support team including a trained mentor, a supervisor
142 and one other educator holding a professional license in the
143 instructional field of the conditional educator for the first three
144 years of employment. No later than the end of the fourth year of
145 employment a district must verify that the conditional educator
146 has begun an approved educator preparation program.

147 The department of education shall issue standard plans for con-
148 ditional educators which districts may implement in lieu of devel-
149 oping an original plan. To be eligible for licensure as an initial
150 educator the candidate shall provide evidence that he (1) holds a
151 bachelor's degree from an accredited college or university with a
152 major course in the arts or sciences appropriate to the instructional
153 field or the equivalent baccalaureate degree; (2) has achieved a
154 level of performance determined by the board on the PRAXIS
155 published by the Educational Testing Service; (3) has satisfacto-
156 rily completed a board of education approved educator prepara-
157 tion program; and (4) is of sound moral character. A candidate
158 who completes the requirements of this paragraph shall be issued
159 an initial educator license which will permit him to seek employ-
160 ment in a teaching position requiring an instructional license.

161 Each public school district seeking to hire an initial educator
162 must submit a plan to the department of education which details
163 how the district will supervise and support such initial educators.
164 Failure of a district to submit or the department to approve shall
165 not adversely impact the employment rights of the educator.
166 Failure of a district to fulfill obligations established by the board
167 to assist and support initial educators shall not adversely affect the

168 educators' advancement to the next stage license. No district shall
169 be authorized to employ an initial educator unless it has submitted
170 said plan to and received the approval of the commissioner.

171 The department of education shall issue standard plans for ini-
172 tial educators which districts may implement in lieu of devel-
173 oping an original plan.

174 In not less than one year after the issuance of an initial educator
175 license, the commissioner upon receipt of a proper application
176 shall issue a professional educator license to such initial license
177 holder who has provided the commissioner with evidence, in such
178 manner and form as prescribed by the board, that he has met the
179 preparation and eligibility requirements set by the board through a
180 master's degree program approved by the commissioner, or
181 through an equivalent district program for professional licensure
182 approved by the commissioner, or other equivalent programs
183 approved by the commissioner; and has met the requirements set
184 by the commissioner for demonstration of successful perfor-
185 mance.

186 If an approved teacher preparation program for the initial
187 license was part of a master's degree, the master's degree shall
188 also satisfy the pedagogical requirements for the professional
189 license.

190 If subject matter knowledge requirements for the initial license
191 were met through a graduate level program, that program shall
192 also satisfy the subject matter knowledge requirements for the
193 professional license.

194 Applicants for a school guidance counselor, school nurse,
195 school psychologist or school social worker/school adjustment
196 counselor professional educator license will have multiple options
197 to satisfy the professional/academic requirement for the profes-
198 sional license. Such options shall include, but not necessarily be
199 limited to: 1) maintenance of a related license issued by the state
200 in instances where the related license is a pre-requisite to the edu-
201 cator license; or 2) an additional program of advanced graduate
202 study (CAGS, masters, doctoral) related to the license; or 3) addi-
203 tional graduate study which, in combination with the master's
204 earned to satisfy the requirements for the initial license, results in
205 60 graduate credits; or 4) achievement and maintenance of a
206 nationally recognized certificate or license the standards of which

207 are closely aligned with the professional responsibilities of the
208 educator.

209 Each professional educator license shall be valid for five years
210 and continued every five years thereafter upon the successful
211 completion of an individual professional development plan that
212 meets the subject matter knowledge and teaching skill require-
213 ments set by the board. A professional license which is not con-
214 tinued at the end of a five year term will continue to be considered
215 valid, but inactive, for an additional five years or such prior time
216 as returned to active status by satisfying professional development
217 requirements established by the board. Individual professional
218 development plans and requirements shall be designed to increase
219 the ability of the person to improve student learning.

220 Certificates granted by the board prior to October first, nineteen
221 hundred and ninety-four are hereby deemed professional licenses
222 that shall be renewed every five years.

223 The commissioner shall develop alternative paths for licensing
224 school management and educational leadership personnel which
225 shall facilitate a process whereby persons with significant man-
226 agerial experience can obtain such license.

227 Any license issued by the commissioner may be revoked for
228 cause, pursuant to standards and procedures established by the
229 board.

230 The board shall have the authority to promulgate, amend and
231 rescind such rules and regulations as may be necessary to carry
232 out the provisions of this section. Such regulations shall be pre-
233 sented to the joint committee for informational purposes ninety
234 days before implementation.

235 All applications for any licenses granted under this section shall
236 be accompanied by a fee to be determined annually by the com-
237 missioner of administration under the provisions of section three
238 B of chapter seven. Said fees shall be established and limited to
239 allow the department to carry out the licensure and license
240 renewal responsibilities but in no case shall said applications
241 exceed one hundred dollars per year with an annual increase no
242 greater than the consumer price index.

243 Notwithstanding the foregoing, the board shall establish for
244 each license area alternate methods for fulfilling the professional
245 development requirement for renewal of a professional license, at

246 least one of which shall be provided at no cost to persons
247 employed by a school district, including paraprofessionals or
248 assistant teachers, who are engaging in such activity for the pur-
249 pose of satisfying the professional development requirement of
250 this section.

251 No person shall be eligible for employment as a teacher, guid-
252 ance counselor, director, school psychologist, school adjustment
253 counselor, school social worker, school nurse, library media spe-
254 cialist, school business administrator, principal, supervisor,
255 director, assistant superintendent of school, and superintendent of
256 schools by a school district unless he has been granted by the
257 commissioner a conditional, initial, professional, or temporary
258 license which is endorsed for specific grade levels: pre K - three,
259 one - six, five - nine, eight - twelve; or pre K - nine, five - twelve;
260 or pre K - twelve with respect to the type of position for which he
261 seeks employment; provided, however, that nothing herein shall
262 be construed to prevent a school committee from prescribing addi-
263 tional qualifications.

264 A superintendent who seeks to hire an individual who does not
265 hold the appropriate educator license must seek a waiver. Said
266 superintendent may be exempted by the commissioner for any one
267 school year from the requirement in this section to employ
268 licensed personnel when compliance therewith would in the
269 opinion of the commissioner constitute a great hardship in
270 securing teachers for that school district. During the time that such
271 a waiver is in effect, service of an employee of a school district to
272 whom the waiver applies shall not be counted as service in
273 acquiring professional teacher status or other rights under section
274 forty-one.

275 In addition to any other requirements of this section, the board
276 shall require, as a provision of an administrator's or educator's
277 initial license, that all educators and administrators shall have
278 training in strategies for effective inclusive schooling for children
279 with disabilities, instruction of students with diverse learning
280 styles and classroom organization and management. Such training
281 shall include, at a minimum, practical experience in the applica-
282 tion of these strategies.

283 In addition to any other requirements in this section, in order to
284 receive an initial or professional educator license, persons

285 applying for such license shall have completed such courses or
286 training sessions as the board shall require in second language
287 acquisition.

288 Competence in Braille instruction shall be a requirement for an
289 initial license as a teacher of students with vision impairments.
290 Such competence shall be verified through a testing program
291 which meets the standards of the Library of Congress National
292 Library Service for the Blind or its successor.

293 For the purposes of licensing educators, the board shall estab-
294 lish policies and guidelines and the commissioner may approve
295 preparation programs devoted to the preparation of teachers and
296 other educational personnel. A college or university or school or
297 district or other institution offering such an approved program
298 shall certify to the commissioner that a student has demonstrated
299 satisfactory competence in the skills and knowledge expected of
300 college graduates in the most advanced nations, and has com-
301 pleted the program approved. The college or university or school
302 district or other institution shall also provide the commissioner
303 with a transcript of the student's record.

304 At the end of each five-year period each professional educator
305 shall attest to and provide appropriate supporting evidence and
306 documentation to the state department of education, in such form
307 and at such time as the commissioner shall prescribe, that the pro-
308 fessional educator has successfully completed a professional
309 development plan which meets the standards set by the board.

310 In addition to any other requirements of this section, the board
311 shall require, as a provision of a professional administrator's or
312 educator's license renewal, that all educators and administrators
313 shall have training in strategies for effective inclusive schooling
314 for children with disabilities, instruction of students with diverse
315 learning styles and classroom organization and management. Such
316 training shall include, at a minimum, practical experience in the
317 application of these strategies.

318 It shall be one of the objectives of all school districts' profes-
319 sional development plans to satisfy the individual professional
320 development plans required by this section; provided, however,
321 that this requirement shall not be construed to require that a
322 school district or the commonwealth provide funding for the ful-
323 fillment of the professional development requirements of this
324 section and section thirty-eight Q beyond the foundation budget.

325 The board shall establish policies and guidelines for approval
326 for any continuing education units, inservice seminars, projects,
327 courses and other activities which would be deemed sufficient to
328 maintain the development of professional skills and the knowl-
329 edge of subject matter pertinent to particular licenses in accor-
330 dance with the same procedures used for initial approval of
331 collegiate preparation programs. The commissioner shall estab-
332 lish for each license alternate methods for fulfilling the profes-
333 sional development requirement, at least one of which must be at
334 no cost to persons employed by a school district who are engaging
335 in such an activity for the purpose of satisfying the professional
336 development requirements for license renewal of this section.

337 A teacher who is to be hired or assigned in a position in an area
338 of license in which he is not currently employed, but for which he
339 held a license which had been active and valid within five years
340 immediately preceding the starting date of employment in this
341 position, shall be given a reasonable period, as determined by the
342 board, to fulfill a professional development plan which demon-
343 strates currency in the subject matter knowledge of said license. In
344 every instance, all evaluations and assessments shall follow
345 nationally recognized professional standards.

346 Each local and regional school district shall attest to the depart-
347 ment of education, in such form and at such time as the commis-
348 sioner shall prescribe, that professional development activities
349 provided by the district for which credit toward license renewal is
350 granted meet the requirements set by the board and are docu-
351 mented in accordance with procedures established by the board.

352 The board shall, in establishing said policies and criteria for
353 professional development, give special consideration to the best
354 interests of the students in the commonwealth, including the need
355 for high quality teachers of English language learners programs
356 established under chapter 71A for limited English proficient stu-
357 dents and the need to maintain the highest performance standards
358 of educators while taking into proper consideration the financial
359 or time constraints these policies may require. In developing such
360 policies, guidelines and assessment methods, the board shall
361 obtain the input of teachers, administrators, educational experts,
362 parents, business leaders and others interested in the improvement
363 of the professional status of educators.

364 Except as otherwise specifically provided in this section, no
365 rights of any employees of a school district under the provision of
366 this chapter shall be impaired by the provisions of this section.

367 Anyone granted an initial license under this section or currently
368 holding such license shall maintain the development of profes-
369 sional skills and the knowledge of subject matter pertinent to the
370 areas of licensure by fulfilling the requirements established by the
371 board to advance to a professional license.

372 Anyone granted a professional license under this section or cur-
373 rently holding such license shall be required to maintain the
374 development of professional skills and the knowledge of subject
375 matter pertinent to the areas of licensure by completing the pro-
376 fessional development requirements established by the board.

377 This section shall not apply to trade, vocational, temporary sub-
378 stitute teachers, exchange teachers, regionally licensed or certified
379 teachers or to teaching or administrative interns; provided, how-
380 ever, that approval for the employment of such personnel shall be
381 generated by the board under such rules and regulations as it may
382 adopt.

383 The requirements of this section shall not apply to the licensure
384 of teachers of adult education. Nothing in this section or
385 section 1H of chapter 69 shall be construed to prohibit a school
386 committee from employing an educator licensed under this section
387 to teach adult education.